

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	
Connect America Fund)	WC Docket No. 10-90
)	

ORDER

Adopted: September 16, 2015

Released: September 16, 2015

Extended Opposition Filing Deadline: October 8, 2015

Extended Reply to Opposition Filing Deadline: October 19, 2015

By the Chief, Wireline Competition Bureau:

1. On June 18, 2015, the Federal Communications Commission adopted an Order on Reconsideration (Order on Reconsideration) in which, among other matters, the Commission required eligible telecommunications carriers (ETCs) to retain documentation demonstrating subscriber eligibility for the Lifeline Program.¹ On August 13, 2015, CTIA – The Wireless Association (CTIA) filed a Petition for Partial Reconsideration of the Commission’s Order on Reconsideration.²

2. On August 26, 2015, a Public Notice was issued announcing that any oppositions to the CTIA Petition must be filed within 15 days of public notice of the CTIA Petition in the Federal Register.³ Additionally, the Public Notice announced that any replies to oppositions to the CTIA Petition must be filed within 10 days after the time for filing oppositions has expired.⁴ On September 2, 2015, notice of the CTIA Petition was published in the Federal Register, which established a September 17, 2015 opposition filing deadline and September 28, 2015 reply to opposition filing deadline.⁵

¹ See *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42, et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Rcd 7818, 7891-97, paras. 224-37 (2015) (*Order on Reconsideration*).

² Petition of CTIA – The Wireless Association for Partial Reconsideration of the Commission’s *Order on Reconsideration*, WC Docket No. 11-42 et al., (filed Aug. 13, 2015), <http://apps.fcc.gov/ecfs/document/view?id=60001121721> (CTIA Petition).

³ *Petitions for Reconsideration of Action in Rulemaking Proceedings*, Report No. 3027, Public Notice (2015).

⁴ See *id.*

⁵ See 80 Fed. Reg. 53088 (Sept. 2, 2015). The initial Federal Register notice was subsequently corrected to reflect the correct date by which parties were required to file replies to oppositions. See 80 Fed. Reg. 53757 (Sept. 8, 2015). See also *Wireline Competition Bureau Clarifies Opposition and Reply Deadlines for Petitions for Reconsideration*, WC Docket Nos. 11-42, et al., Public Notice, DA 15-994 (Wireline Comp. Bur. rel. Sept. 2, 2015).

3. On September 9, 2015, the Center for Democracy & Technology, Free Press, New America Foundation's Open Technology Institute, and Public Knowledge (Requestors) jointly filed a motion to extend the established opposition filing deadline for the CTIA Petition by 30 days.⁶ In support of their motion, the Requestors point out that certain of the comments that were recently filed pursuant to the Commission's Second Further Notice of Proposed Rulemaking (Second FNPRM)⁷ in the above captioned proceeding specifically raise issues that are relevant to the CTIA Petition.⁸ The Requestors also argue that a 30-day extension is in the public interest because a number of reply comments may be filed on issues relevant to the CTIA Petition by the September 30th deadline.⁹ The Requestors also cite the Commission's recent IT-modernization efforts, which made some already-filed comments inaccessible to the public for several days,¹⁰ and intervening holidays as circumstances that help to justify an extension in this case.¹¹

4. The Commission does not routinely grant extensions of time.¹² Here, however, the Requestors have pointed to a potential relationship between issues addressed in the CTIA Petition and certain of the comments, and potentially the reply comments, filed pursuant to the Second FNPRM on or before September 30.¹³ Furthermore, the Commission's major IT-modernization efforts, making some relevant documents unavailable, occurred during the fifteen days that parties would normally have to prepare oppositions. Taken together, these special circumstances present a sufficiently unique situation to justify a longer period for oppositions than is typical. We also are persuaded that granting an extension to the opposition-filing deadline so that oppositions are due after the September 30th deadline for reply comments on the Second FNPRM will facilitate more thorough and deliberate consideration of the issues raised in the CTIA Petition. We therefore waive the 15-day deadline established in section 1.429(f) and will allow oppositions to be filed by October 8. Replies to those oppositions must be filed by October 19.

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), (j), and Sections 0.91, 0.291, 1.3, 1.46, 1.415, and 1.429 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 1.46, 1.415, 1.429, the motion of the Center for Democracy & Technology, Free Press, New America Foundation's Open Technology Institute, and Public Knowledge IS GRANTED to the extent indicated herein and the deadline to file oppositions in response to the Petition for Partial Reconsideration filed by CTIA – The Wireless Association is extended to October 8, 2015, and the deadline to file replies to oppositions is extended to October 19, 2015.

⁶ Motion of Center for Democracy & Technology, Free Press, New America Foundation's Open Technology Institute, and Public Knowledge for Extension of Time to File Oppositions to CTIA's Petition for Partial Reconsideration, WC Docket No. 11-42 et al., (filed Sept. 9, 2015) (Motion for Extension).

⁷ See *Lifeline and Link Up Reform and Modernization*, 30 FCC Rcd at 7827-91, paras. 14-223.

⁸ See Motion for Extension at 1.

⁹ See *id.* at 1-2.

¹⁰ See FCC Public Notice, Certain FCC Databases Will Be Unavailable and Filing Deadlines Will Be Extended in Early September to Accommodate a Significant FCC IT Upgrade, DA 15-940 (Aug. 20, 2015).

¹¹ See Motion for Extension at 1-2.

¹² 47 C.F.R. § 1.46(a).

¹³ Cf. *Implementation of Section 304 of the Telecommunications Act of 1996*, Order, 19 FCC Rcd 1943 (Media Bur. 2004) (extending the section 1.429(f) deadline where issues in the petition for reconsideration were also discussed in comments and reply comments on a related Further Notice of Proposed Rulemaking in the same proceeding); *Amendment of Parts 1, 21, 73, 74 & 101 of the Commission's Rules to Facilitate the Provision of Fixed & Mobile Broadband Access, Educ. & Other Advanced Servs. in the 2150-2162 & 2500-2690 Mhz Bands*, Order, 23 FCC Rcd 12018, 12019 (Wireless Tel. Bur. 2008) (finding that "providing a limited extension will serve the public interest by allowing parties to discuss the complex issues at stake and develop consensus approaches where possible.").

FEDERAL COMMUNICATIONS COMMISSION

Matthew S. DelNero
Chief
Wireline Competition Bureau